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WISCONSIN SUPREME COURT MONTHLY STATISTICAL REPORT

FEBRUARY 2010

This statistical report presents information about the case filings and dispositions of the Wisconsin Supreme Court during the month of February 2010 and to date for the term that began on September 1, 2009.

Opinions Issued by the Court

The Supreme Court issued opinions resolving 6 cases in February. Information about these opinions, including the Court's dispositions and the names of the authoring justices, can be found on the attached table.

	<u>February 2010</u>	<u>Term to Date</u>
Total number of cases resolved by opinion	<u>6</u>	<u>19</u>
Attorney disciplinary cases	4	16
Judicial disciplinary cases	0	0
Civil cases	0	1
Criminal cases	2	2

Petitions for Review

A total of 44 petitions for review were filed during the month. A petition for review asks the Supreme Court to review the decision of the Court of Appeals. The Supreme Court's jurisdiction is discretionary, meaning that review is granted in selected cases only. In February, the Supreme Court disposed of 30 petitions for review, of which no petitions were granted. The Supreme Court currently has 209 petitions for review pending.

	<u>February 2010</u>	<u>Term to Date</u>
Petitions for Review filed	<u>44</u>	<u>352</u>
Civil cases	21	175
Criminal cases	23	177

Petition for Review dispositions	<u>30</u>	<u>382</u>
Civil cases (petitions granted).....	12 (0)	195 (22)
Criminal cases (petitions granted)	18 (0)	187 (10)

Petitions for Bypass

In February, the Supreme Court received no petitions for bypass and disposed of 1 petition for bypass. In a petition for bypass, a party requests that the Supreme Court take jurisdiction of an appeal or other proceeding pending in the Court of Appeals. A matter appropriate for bypass is usually one which meets one or more of the criteria for review by the Supreme Court and one the Supreme Court concludes it will ultimately choose to consider regardless of how the Court of Appeals might decide the issues. A petition for bypass may also be granted where there is a clear need to hasten the ultimate appellate decision. The Supreme Court currently has 1 petition for bypass pending.

	<u>February 2010</u>	<u>Term to Date</u>
Petitions for Bypass filed	<u>0</u>	<u>9</u>
Civil cases	0	9
Criminal cases	0	0
Petition for Bypass dispositions.....	<u>1</u>	<u>11</u>
Civil cases (petitions granted).....	1 (0)	9 (1)
Criminal cases (petitions granted)	0 (0)	2 (0)

Requests for Certification

During February 2010, the Supreme Court received one request for certification and disposed of one request for certification. In a request for certification, the Court of Appeals asks the Supreme Court to exercise its appellate jurisdiction before the Court of Appeals hears the matter. A request for certification is decided on the basis of the same criteria as a petition to bypass. The Supreme Court currently has 2 requests for certification pending.

	<u>February 2010</u>	<u>Term to Date</u>
Requests for Certification filed	<u>1</u>	<u>7</u>
Civil cases	1	6
Criminal cases	0	1
Request for Certification dispositions.....	<u>1</u>	<u>7</u>
Civil cases (requests granted)	1 (1)	5 (5)
Criminal cases (requests granted)	0 (0)	2 (0)

Regulatory Matters, Supervisory Writs, and Original Actions

During the month, a total of 2 matters within the regulatory jurisdiction of the Court (bar admission, lawyer discipline, and judicial discipline) were filed. The Supreme Court also received 5 petitions for supervisory writ, which ask the Supreme Court to order the Court of Appeals or a circuit court to take a certain action in a case. One original action was filed. An original action is a petition asking the Supreme Court to take jurisdiction over a particular matter. When an opinion is issued in these cases, the disposition is included in "Opinions Issued by the Court" above; otherwise, the case is disposed of by order and is included in the totals below. The Supreme Court currently has 26 regulatory matters and 15 petitions for supervisory writ pending.

	<u>February 2010</u>	<u>Term to Date</u>
<u>Filings</u>		
Attorney discipline.....	2	16
Judicial discipline.....	0	1
Bar admission.....	0	0
Petitions for Supervisory Writ	5	24
Other (including Original Actions).....	1	4
<u>Dispositions by Order</u>		
Attorney discipline.....	1	7
Judicial discipline.....	0	0
Bar admission.....	0	0
Petitions for Supervisory Writ	1	32
Other (including Original Actions).....	1	7

**DECISIONS BY THE
WISCONSIN SUPREME COURT**

OPINIONS ISSUED DURING FEBRUARY 2010

ATTORNEY DISCIPLINE CASES

<u>Docket No.</u>	<u>Title</u>	<u>Date</u>
2008AP002817-D	Office of Lawyer Regulation (OLR) v. Douglas Batt Public Reprimand Per Curiam ¹	02/03/2010
2009AP000283-D	OLR v. Benjamin J. Harris 60 Day Suspension Per Curiam	02/04/2010
2007AP001083-D	OLR v. Alan D. Eisenberg License Revoked Per Curiam	02/18/2010
2009AP001099-D	OLR v. Daynel L. Hooker 6 Month Suspension Per Curiam	02/26/2010

CIVIL AND CRIMINAL CASES

<u>Docket No.</u>	<u>Title</u>	<u>Date</u>
2007AP001898-CR	State v. Richard M. Fischer Court of Appeals decision affirmed. <u>Majority Opinion</u> : Crooks, J. <u>Concurrence</u> : Ziegler, J., joined by Roggensack and Gableman, J.J.	02/02/2010
2007AP001378-CR	State v. Jermichael James Carroll Court of Appeals decision affirmed. <u>Majority Opinion</u> : Crooks, J. <u>Dissent</u> : Abrahamson, C.J. <u>Dissent</u> : Prosser, J.	02/03/2010

¹ “Per Curiam” means “by the Court.” Opinions issued *per curiam* are handed down by the Court as a whole.